

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72163

Robert Donaldson Jr.

3637 Hilmar Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01, 428, failure to cease the illegal parking/storage of an unlicensed vehicle on residential property zoned DR 5.5 known as 3637 Hilmar Road, 21244.

On February 5, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Robert and Essie Donaldson, Respondents and, Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 4, 2010 for removal of untagged/inoperative motor vehicle from this residential property. This Citation was issued on February 5, 2010.

B. Inspector Paul Cohen testified that inspections found a black vehicle without license plates parked outside on Respondent's property. Re-inspection March 2, 2010 found the vehicle still there. Photographs in the file show a black Range Rover vehicle with no license plates.

C. Respondent Robert Donaldson testified that the car runs but acknowledged that it lacks valid tags. He testified that he is behind in his mortgage and cannot afford to insure and tag the vehicle. He further testified that he has found a garage where he can store the vehicle, and that he will have it removed within two or three weeks.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property. Because compliance is the goal of code enforcement, and there is no prior history of violations, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by April 5, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf